

FILED

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
CLEVELAND

MELISSA HIGHSMITH  
4118 W. 57TH ST.  
Cleveland, OHIO 44144,

-and-

SHANELL GIST  
104 E. 233rd St  
Euclid, Ohio 44123

Plaintiffs,

-vs-

CITY OF EUCLID  
545 E. 222nd /St.  
Euclid, Ohio 44123

-and-

Euclid Police Officer  
DANIEL FERRITTO  
545 E. 222nd /St.  
Euclid, Ohio 44123

Defendants.

) CASE NO. 1:18-cv-00500-DCN

) NUGENT, J.

) MOTION FOR ENLARGEMENT  
) OF TIME

Comes Now, Melissa Highsmith and Shanell Gist, by and through their undersigned counsel, moving this Court in an abundance of caution for a minimal extension of time sufficient enough only as to allow Plaintiff to re-execute service upon the defendants, where an apparent anomaly has resulted in service failing to be perfected.

Plaintiff explains as follows.

1. The undersigned commenced the above captioned action against the defendants on behalf of the plaintiffs on March 5, 2018.
2. The undersigned at that time also caused service to be made upon the defendants via certified U.S. Mail.

2a. Specifically, separate envelopes (containing true and exact copies of the complaint) bearing the defendants' respective addresses as reflected above were provided to U.S. Mail Service personnel in the office of the undersigned the week of filing. A Certified mail slip was duly affixed to each parcel, complete with appropriate U.S. Postage, with return receipt requested.

3. On 6-25-2018, the undersigned was notified during a morning briefing with his support staff that there was a deficiency in the file assigned to this case. That deficiency was identified as a failure to have the return receipt and certified mail slip received back by this office.

4. The undersigned thus finds it prudent to bring the Court abreast of this anomaly in that Plaintiffs not be seen as having failed to discharge their duties under applicable service requirements.

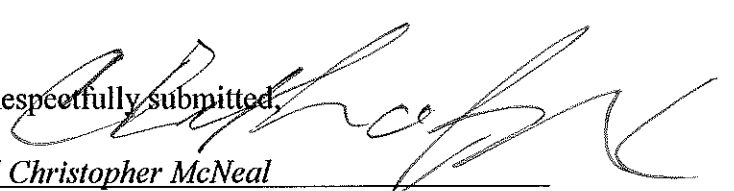
5. Accordingly, and in an abundance of caution, the undersigned hereby notices to the Court the foregoing facts and moves the Court for an extension of time to ensure the perfection of service upon the defendants.

6. Plaintiffs have this day again caused service to have been made upon the defendants, except that due to the nature of the developments as addressed here, the undersigned has caused the complaints to have been hand delivered to the office of the Law Director for the City of Euclid and to the Police Department for the City of Euclid.

### **Conclusion**

Based on the foregoing, Plaintiffs submit that they have demonstrated cause sufficient to warrant the requested extension of time.

Respectfully submitted,

  
s/ Christopher McNeal

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